IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE ELEVENTH DAY OF AUGUST
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE Mr. JUSTICE C.V.RAMULU

WRIT PETITION No.4675 of 1998

Between:

The University of Health Sciencies Rep by its Registrar
Vijayawada

..... PETITIONER

AND

1 The Authority Under Minimum Wages Act
Asst Commissioner of labour Vijayawada
2 The Asst Labour Officer
Circle VII, Vijayawada.
3 University of Health Sciencies
Hostel Workers Union Regd No.2028 Vijayawada
Rep by its General Secretary , S.K.Basha.,

(R3 is impleaded as Per court order Dt: 13-8-98 in WPMP No.24421/98)
4 The Director of Medical Education, Govt. of A.P., Koti, Hyderabad
5 The Siddartha Medical College, Vijayawada, Krishna District
(RR 4&5 impleaded as per court order dt. 8-8-2005 in
WPMP 21882 of 2005)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more in the nature of writ of mandamus by declaring the impugned order passed in WPMP.No.585/98, Dt: 8-1-98 by 1st respondent as illegal, arbitrary and without application of mind and to pass such other order or orders.

ORAL ORDER:

This Writ Petition is filed by the University of Health Sciences represented by its Registrar, Vijayawada (erstwhile management) being aggrieved by an Order dated 8-1-1998 passed in M.W.M.P.No.585 of 1998 on the file of the 1st respondent-Authority under the Minimum Wages Act-cum-Assistant Commissioner of Labour, Vijayawada.

At the outset, it may be noticed that during the pendency of the Writ Petition, Siddartha Medical College, which was under the control of the University of Health Sciences, Vijayawada has been taken over by the Government of Andhra Pradesh. Therefore, the 3rd respondent was impleaded by an Order dated 13-8-1998 in W.P.M.P.No.24421 of 1998 and respondents 4 and 5 were impleaded as per the Order dated 8-8-2005 in W.P.M.P.No.21882 of 2005.

Respondent No.3 Union had filed an application under Section 20(2) of the Minimum Wages Act,1948 claiming minimum wages for the period from 1-5-1996 to 30-6-1997 as per G.O.Ms.No.13, dated 11-3-1996. The same was taken on file as M.W.M.P.No.585 of 1997 by the Authority under the Minimum Wages Act – 1st respondent herein. After examining the claim and the Governmental Orders filed in support of the claim, the 1st respondent came to the conclusion that the members of the 3rd respondent-union are entitled for being put on minimum wages and quantified the same at Rs.2,17,000/-. Aggrieved by the same, the present Writ Petition is filed.

According to the petitioner, the claim under Section 20(2) of the Minimum Wages Act made by the 3rd respondent-Union was a stale one, apart from the fact that members of the 3rd respondent-union were not employed by the University, but they were employed by a contractor.

A detailed counter affidavit has been filed by the 3rd respondent denying the

allegations made by the petitioner and supporting the order passed by the 1st respondent.

I have given my earnest consideration to the respective submissions made by the learned counsel on either side and perused the entire material made available on record including the impugned Orders.

At the outset, I am of the opinion that the 1st respondent has not committed any error in passing the impugned Order warranting interference of this Court under Article 226 of the Constitution of India. Respondent No.1, in the impugned Order, discussed as to the delay caused in approaching it by the 3rd respondent-union and raising a claim and also regarding the plea that they were not engaged by the University and they were engaged by the contractor. Both the contentions were negatived and directed to pay minimum wages. It is not the contention of the petitioners that G.O.Ms.No.13, dated 11-3-1996 has no application to the employees working in the University. Once the applicability of the G.O. is not in dispute, the question of denying the minimum wages to the members of the 3rd respondent-union does not arise. Whether they are contract labour or otherwise, it is the duty of the principal employer to oversee that the workers are paid the minimum wages applicable to the cadre. In view of the above, the Writ Petition is devoid of merits and liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

11-8-2005

prk